

EXPRESS MAIL NO.: EV685780535US

Mailed: September 23, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Jose L. Boyer, *et al.*

Appl. No.: 09/643,138

Filed: August 21, 2000

For: COMPOSITION AND METHOD FOR
INHIBITING PLATELET AGGREGATION

Art Unit: 1623

Examiner: Owens, Jr., Howard V.

Attorney Docket: 03678.0064.00US00

Confirmation No.: 8780

COMMUNICATION

MS ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

Enclosed are a copy of Information Disclosure Statement and 1449 Form submitted on February 9, 2001, along with its postcard receipt.

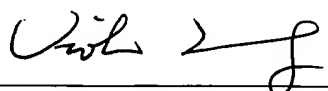
The Examiner is requested to return an initialed copy of the 1449 Form to Applicant.

Respectfully submitted,

Date: September 23, 2005

HOWREY LLP

2941 Fairview Park Drive
Falls Church, VA 22042
Ph. (650) 463-8181
Fax (650) 463-8400



Viola T. Kung (Reg. No. 41,131)



COPY

(E)

EXPRESS MAIL NO. EL615208136US
Date Mailed: February 9, 2001

Due Date: N/A
Atty. Docket: 036780064US00

Applicant(s): Jose L. BOYER, *et al.*
Title: **COMPOSITION AND METHOD FOR INHIBITING PLATLET AGGREGATION**

Group Art Unit:	1614	Application No.:	09/643,138	Batch No.
Filing Date:	Aug 21, 2000	Examiner:	Unassigned	

Commissioner for Patents
Washington, DC 20231

SIR:
Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Information Disclosure Statement (4 page);
2. PTO Form-1449 (4 pages);
3. Copy of 70 references; and
4. Return receipt postcard

APH/JAB

EXPRESS MAIL NO. EL615208136US
Date Mailed: February 9, 2001

Due Date: N/A
Atty. Docket: 036780064US00

Applicant(s): Jose L. BOYER, *et al.*
Title: **COMPOSITION AND METHOD FOR INHIBITING PLATLET AGGREGATION**

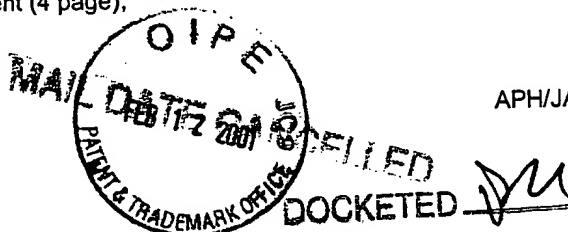
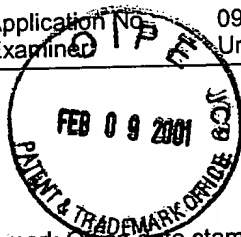
Group Art Unit:	1614	Application No.:	09/643,138	Batch No.
Filing Date:	Aug 21, 2000	Examiner:	Unassigned	

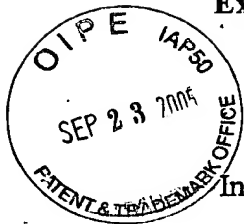
Commissioner for Patents
Washington, DC 20231

SIR:
Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Information Disclosure Statement (4 page);
2. PTO Form-1449 (4 pages);
3. Copy of 70 references; and
4. Return receipt postcard

APH/JAB





Express Mail No.: EL615208136US

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jose L. BOYER, et al.

Appl. No. 09/643,138

Filed: August 21, 2000

For: **COMPOSITION AND METHOD FOR
INHIBITING PLATLET
AGGREGATION**

Art Unit: 1614

Examiner: Unassigned

Atty. Docket: 036780064US00

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material

submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

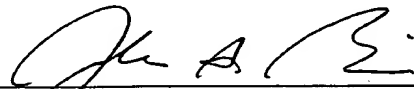
- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☐ c. Attached is our Check No. _____ in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).

- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number : 036780064US00

Respectfully submitted,



Albert P. Halluin (Reg. No. 25,227)
John A. Bendrick (Reg. No. 41,612)

Date: February 9, 2001

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
301 Ravenswood Ave.
Menlo Park, CA 94025
(650) 463-8100

**LIST OF REFERENCES CITED BY APPLICANT**

(Use several sheets if necessary)

PTO FORM 1449

ATTY. DOCKET NO.

03678.0064.US00

APPLICATION NO.

09/643,138

APPLICANT

Jose L. BOYER, *et al.*

FILING DATE

August 21, 2000

GROUP

1614

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	5,049,550	09/17/91	Zamecnik	514	47	11/21/88
	2.	5,292,498	03/08/94	Boucher	424	45	06/19/91
	3.	5,596,088	01/21/97	Boucher, <i>et al.</i>	536	23.5	05/16/95
	4.	5,607,836	03/04/97	Boucher, <i>et al.</i>	435	7.2	05/19/95
	5.	5,628,984	05/13/97	Boucher	424	45	07/31/95
	6.	5,635,160	06/03/97	Stutts, <i>et al.</i>	424	45	06/07/95
	7.	5,656,256	08/12/97	Boucher, <i>et al.</i>	424	45	12/14/94
	8.	5,681,823	10/28/97	Kim, <i>et al.</i>	514	47	05/02/96
	9.	5,691,156	11/25/97	Boucher, <i>et al.</i>	435	7.21	05/19/95
	10.	5,763,447	06/09/98	Jacobus, <i>et al.</i>	514	265	07/23/96
	11.	5,789,391	08/04/98	Jacobus, <i>et al.</i>	514	51	07/03/96
	12.	5,837,861	11/17/98	Pendergast, <i>et al.</i>	536	25.6	02/10/97
	13.	5,900,407	05/04/99	Yerxa, <i>et al.</i>	514	47	02/06/97
	14.	5,902,567	05/11/99	Boucher	424	9.1	12/30/96
	15.	5,935,555	08/10/99	Stutts, <i>et al.</i>	424	45	05/08/97
	16.	5,958,897	09/28/99	Jacobus, <i>et al.</i>	514	49	01/09/98
	17.	5,962,432	10/05/99	LaCroix, <i>et al.</i>	514	47	07/03/96
	18.	5,968,913	10/19/99	LaCroix, <i>et al.</i>	514	47	12/23/97
	19.	5,972,904	10/26/99	Jacobus, <i>et al.</i>	514	51	01/09/98
	20.	5,981,506	11/09/99	Jacobus, <i>et al.</i>	514	47	01/09/98
	21.	6,022,527	02/08/00	Boucher, <i>et al.</i>	424	45	07/13/99
	22.	6,037,343	03/14/00	El-Fehail Ali	514	252	12/22/95
	23.	6,040,317	03/21/00	Duggan, <i>et al.</i>	514	317	12/28/98
	24.	6,133,247	10/17/00	Boucher, <i>et al.</i>	514	50	01/22/97
	25.	6,143,279	11/07/00	Boucher, <i>et al.</i>	424	45	08/28/98
	26.	6,159,952	12/12/00	Shaffer, <i>et al.</i>	514	47	11/07/96

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**LIST OF REFERENCES CITED BY APPLICANT**

(Use several sheets if necessary)

PTO FORM 1449

ATTY. DOCKET NO.

03678.0064.US00

APPLICATION NO.

09/643,138

APPLICANT

Jose L. BOYER, et al.

FILING DATE

August 21, 2000

GROUP

1614

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	27.	WO 00/30629	02/06/00	PCT			X	
	28.	WO 00/39145	06/07/00	PCT			X	
	29.	WO 00/50024	31/08/00	PCT			X	
	30.	WO 94/08593	28/04/94	PCT			X	
	31.	WO 95/10538	20/04/95	PCT			X	
	32.	WO 97/29456	21/08/97	PCT			X	
	33.	WO 97/35591	02/10/97	PCT			X	
	34.	WO 98/03177	29/01/98	PCT			X	
	35.	WO 98/03182	29/01/98	PCT			X	
	36.	WO 98/15835	16/04/98	PCT			X	
	37.	WO 98/19685	14/05/98	PCT			X	
	38.	WO 98/34593	13/08/98	PCT			X	
	39.	WO 98/34942	13/08/98	PCT			X	
	40.	WO 99/01138	14/01/99	PCT			X	
	41.	WO 99/05155	04/02/99	PCT			X	
	42.	WO 99/09998	04/03/99	PCT			X	
	43.	WO 99/32085	01/07/99	PCT			X	
	44.	WO 99/61012	02/12/99	PCT			X	

OTHER REFERENCES

(Including Author, Title, Date, Pertinent Pages, Etc.)

	45.	Antiplatelet Trialists' Collaboration., "Collaborative overview of randomised trials of antiplatelet therapy-I : Prevention of Death, myocardial infarction, and stroke by prolonged antiplatelet therapy in various categories of patients," <i>Br. Med. J.</i> <u>308</u> : 81-106 (1994)
	46.	Antiplatelet Trialists' Collaboration., "Collaborative overview of randomised trials of antiplatelet - therapy-II : Maintenance of Vascular graft or arterial patency by antiplatelet therapy, " <i>Br. Med. J.</i> <u>308</u> : 159-168 (1994)
	47.	Antman, E, for The TIMI 9a investigators, "Hirudin in Acute Myocardial Infarction," , <i>Circulation</i> , <u>90</u> (4):1624-1630 (1994)

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<p align="center">LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)</p> <p align="center">PTO FORM 1449</p>	ATTY. DOCKET NO. 03678.0064.US00	APPLICATION NO. 09/643,138
	APPLICANT Jose L. BOYER, et al.	
	FILING DATE August 21, 2000	GROUP 1614

48.	Bernat, A., et al., "Effect of Various Antiplatelet Agents on Acute Arterial Thrombosis in the Rat," <i>Thromb. Haemostas.</i> (1993) <u>70</u> (5):812-816
49.	Bush, L., et al., "Effects of the selective thromboxane synthetase inhibitor dazoxiben on variations in cyclic blood flow in stenosed canine coronary arteries," <i>Circulation</i> <u>69</u> (6):1161-1170, (1984)
50.	EPIC investigators, "Use of a Monoclonal Antibody Directed against the Platelet Glycoprotein lib/IIIa Receptor in High-Risk Coronary Angioplasty," <i>New Engl. J. Med.</i> (1994) 330:956-961
51.	Folts, J. et al., "Platelet Aggregation in Partially Obstructed Vessels and its Elimination with Asprian," <i>Circulation</i> <u>54</u> (3):365-370 (1976)
52.	Frederick, L.G., et al., "The Protective Dose of the Potent GPIIb/IIIa Antagonist SC-54701A is Reduced When Used in Combination with Asprian and Heparin in a Canine Model of Coronary Artery Thrombosis," <i>Circulation</i> <u>93</u> (1):129-134 (1996)
53.	Geiger, J., et al., "Specific Impairment of Human Platelet P2Y ac ADP Receptor-Mediated Signaling by the Antiplatelet Drug Clopidogrel," <i>Arterioscler. Thromb. Vasc. Biol.</i> <u>19</u> :2007-2011 (1999)
54.	GUSTO Iia Investigators, The Global Use of Strategies to Open Occluded Coronary Arteries., "Randomized Trial of Intravenous Heparin Versus Recombinant Hirudin for Acute Coronary Syndromes", <i>Circulation.</i> <u>90</u> (4): 1631-1637 (1994)
55.	Hass, W., et al., "A Randomized Trial Comparing Ticlopidine Hydrochloride with Asprian for the Prevention of Stroke for High-Risk Patients," <i>N. Engl. J. Med.</i> , <u>321</u> (8):501-507 (1989)
56.	Herbert, J.M. et al., Inhibitory Effect of Clopidogrel on Platelet Adhesion and Intimal Proliferation After Arterial Injury in Rabbits," <i>Arterioscl. Thromb.</i> (1993) <u>13</u> (8):1171-1179
57.	Hourani, et al., The Platelet ADP Receptors Meeting, La Thuile, Italy, March 29-31, 2000
58.	Humphries, R.G., et al., "Pharmacological profile of the novel P2T-Purinoceptor antagonist, FPL 67085 in vitro and in the anaesthetized rat in vitro," <i>Br. J. Pharmacol.</i> <u>115</u> :1110-1116 (1995)
59.	Ingall, A., et al., "Antagonists of the Platelet P2t Receptor: A Novel Approach to Antithrombotic Therapy," <i>J. Med. Chem.</i> <u>42</u> : 213-220 (1999)
60.	Lazarowski, E., et al., "Pharmacological selectivity of the cloned human P2u-purinoceptor: potent activation by diadenosine tetraphosphate," <i>Brit. J. Pharm.</i> <u>116</u> :1619-1627 (1995)
61.	Lekstrom, J and William R. Bell, "Asprian in the Prevention of Thrombosis," <i>Medicine</i> <u>70</u> (3):161-178 (1991)
62.	Maffrand, J.P., et al., "ADP Plays a Key Role in Thrombogenesis in Rats," <i>Thromb. Haemostas.</i> (1988) <u>59</u> (2):225-230
63.	Mickelson, J.K., et al., "Antiplatelet Antibody [7E3 F(ab')2] Prevents Rethrombosis After Recombinant Tissue-Type Plasminogen Activator-Induced Coronary Artery Thrombolysis in a Canine Model," <i>Circulation</i> <u>81</u> (2):617-627 (1990)

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) PTO FORM 1449	ATTY. DOCKET NO.	APPLICATION NO.
	03678.0064.US00	09/643,138
	APPLICANT Jose L. BOYER, et al.	
	FILING DATE	GROUP
	August 21, 2000	1614

64.	Neuhaus., K. L. et al., "Safety Observations from the Piolet Phase of the Randomized r-Hirudin for Improvement of Thrombolysis (HIT-III) Study," <i>Circulation</i> , <u>90</u> (4): 1638-1642 (1994)
65.	Olivier, K., et al., "Acute Safety and Effects on Mucociliary Clearance of Aerosolized Uridine 5' - Triphosphate + Amiloride in Normal Human Adults," - <i>Am. J. Respir. Crit. Care Med.</i> <u>154</u> :217-223 (1996)
66.	Quinn, M and Desmond J. Fitzgerald, "Ticlopidine and Clopidogrel," <i>Circulation</i> <u>100</u> (15):1667-1672 (1999)
67.	Romson, J., et al., "Electrical Induction of Coronary Artery Thrombosis in the Ambulatory Canine: A model for IN VIVO Evaluation of Anti-Thrombotic Agents," <i>Thromb. Res.</i> 17:841-853 (1980)
68.	Shebuski, R., et al., "Acceleration of Recombinant Tissue-Type Plasminogen Activator-Induced Thrombolysis and Prevention of Reocclusion by the Combination of Heparin and the Arg-Gly-Asp-Containing Peptide Bitistatin in a Canine Model of Coronary Thrombosis," <i>Circulation</i> <u>82</u> (1):169-177 (1990)
69.	Tschopp, J.F., et al., "Inhibition of coronary artery reocclusion after thrombolysis with an RGD-containing peptide with no significant effect on bleeding time," <i>Coron. Artery Dis.</i> <u>4</u> :809-817(1993)
70.	Weber, M., et al., "Low-Dose Aspirin Verses Anticoagulants for Prevention of Coronary Graft Occlusion," <i>Am. J. Cardiol.</i> <u>66</u> :1461-1468 (1990)

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.